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ABSTRACT

This paper is a case study of a documentary produced by WHAS-TV entitled "Louisville: Open City?" The purposes behind the documentary are examined, and an attempt is made to evaluate whether these purposes were achieved. More importantly, this paper illustrates the social and political changes which can result when a locally-produced documentary examines a significant community problem. Judging from this case study, a locally-produced documentary can contribute substantially to the understanding of some community problem and even help eliminate that problem. Several factors appear to enhance the probability that the documentary will be influential. First, a strong case must be made within the documentary itself that there is a significant community problem, and solutions for that problem should be advanced. Second, the initial documentary should be supported by subsequent news reports on related issues. Third, public officials must be motivated into taking appropriate action on the issues involved. Finally, the station must be committed enough to its public service responsibility to withstand the pressures and criticisms which may follow a documentary attacking existing political and social structures. (Author)

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THE SOCIAL AND POLITICAL EFFECTS OF LOCALLY-PRODUCED TELEVISION DOCUMENTARIES: A CASE STUDY OF WHAS-TV, LOUISVILLE, KENTUCKY

by

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Scores of documentaries are produced each year by television stations across the United States. Many of these documentaries accomplish little more than providing the station with another piece of evidence at license renewal time that the station is programming in "the public interest, convenience and necessity." Others, however, contribute substantially to the understanding of some community problem or, more rarely, help eliminate the problem. A. William Bluem, noted documentary historian, has commented on the potentiality of the locally-produced documentary for affecting the community in which the station is licensed:

> It is on the community level that the people of various regions and locales are brought to grips with their indigenous problems, and it is here that some concerted action which moves toward the immediate solution of everyday problems can be sought.[1]

On February 8, 1971, WHAS-TV aired the first half of a two-hour documentary entitled Louisville: Open City?. The documentary, over eight months in the making, charged that some 350 illegal handbooks were then active throughout the

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[1]Bluem, A. William, Documentary in American Television, Hastings House, New York, 1965, p. 222.

Louisville area and that such extensive gambling operations were virtually impossible to hide from police and city officials.

Written by WHAS newsmen Clarence Jones and James Walker, the documentary featured films of alleged handbook and prostitution activity throughout Louisville. One especially notable sequence recorded an interview with Cleve White, the operator of a local after-hours club, who told of making payoffs to Louisville police in return for protection for his illegal enterprises.

The second portion of Louisville: Open City?, aired the following night, charged that illegal gambling and prostitution prosper in that city because local government receives a percentage of the take. The allegation was supported by film sequences, shot from hidden cameras, of alleged bookies, bookie joints, and prostitutes; by the testimony of a retired city police captain and White, the after-hours club owner, that some police officials and both political parties routinely accept graft; and by the insistence of nationally-known law enforcement consultants that vice cannot thrive without the complicity of local government. The report continually emphasized, however, that corruption was not unique to the current Louisville city administration, but that corruption had been a part of the fabric of local government for over 25 years.

At the end of the program, E.F. Shadburne, vice-president and general manager of WHAS, exhorted Louisville citizens and "honest police officers" to disclose their knowledge of graft and corruption in the city. He concluded by saying that "there is one thing which corruption in government and law enforcement can not overcome -- and that is exposure."

This paper is an examination of the purposes behind the documentary Louisville: Open City? and an attempt at evaluating whether these purposes were achieved. More importantly, this paper illustrates the social and political changes which can result when a locally-produced documentary examines a significant community problem.

The WHAS data were gathered from newspaper accounts of the Louisville: Open City? controversy, from WHAS departmental files and letters, and from personal interviews with several staff members and other Louisville citizens related to the documentary project.

The purpose of the documentary, according to its text, was to demonstrate the "premise that Louisville is an open city," that "gambling and prostitution operate openly. . . with the knowledge of the police, the prosecutors and the politicians." Further, the documentary purposed to "analyze how an open city and its inevitable corruption affects the

lives of all who live in it." Finally, the documentary was intended to cause the citizens of Louisville to become "concerned enough to be a little angry" and to "demand good government led by courageous officials."

Robert Morse, WHAS news director and executive producer of the documentary, added a fourth objective of the station's investigation:

> Our motive was to change the system of politics, the system of law enforcement, the judicial system -- to change it from a corrupt one as it existed in Louisville and Jefferson County to one that is less corrupt. No one had any illusions about eliminating all gambling and prostitution. . .(but) to get it down to what someone might call a reasonable level, whatever that is.[2]

Whether the documentary succeeded in demonstrating its contention that Louisville was an "open city" is a matter of some debate. For example, Howard Rosenberg, television critic of The Louisville Times, charged that:

> Some highly interesting footage of purported bookmaking operations and an after-hours club operator's disclosure of alleged police payoffs did not diminish the fact that Channel 11 (WHAS) failed to answer satisfactorily the question it had raised in its title: "Is Louisville An Open City?"[3]

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[2]Stated by Robert Morse in an interview with the author at WHAS on October 14, 1971.

[3]Rosenberg, Howard, "Some Questions Weren't Answered By Channel 11's Vice Probe in City," The Louisville Times, February 8, 1971, reprint.

In Rosenberg's opinion, "showing interior and exterior footage of what were said to be several bookmaking operations carrying on their business in a relatively open manner," and quoting an authority on crime that "this could not be done without police cooperation" did not present concrete evidence that "law enforcement has to be looking the other way."[4] Rosenberg praised WHAS for focusing public attention on the problem and for investing money and time on in-depth reporting, but added that "this ambitious effort did not lift the fog covering vice and corruption." The WHAS reporters often spoke in sweeping generalizations, Rosenberg concluded, while offering no conclusive proof of police or government corruption."[5]

Louisville: Open City? was given strong editorial praise by the Jefferson Reporter, a weekly Louisville newspaper, which termed the documentary "one of the finest jobs of investigative reporting here by any media in a long time."[6] Disagreeing with Rosenberg's thesis that the program's allegations were largely unsubstantiated, the Jefferson

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[4]Ibid.

[5]Rosenberg, Howard, "Despite WHAS Vice-Probe Efforts, Mystery Still Surrounds Allegations," The Louisville Times, February 10, 1971, reprint.

[6]"WHAS Expose Reveals Need For Greater Vice Control," Jefferson Reporter, February 11, 1971, reprint.

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Reporter contended that:

> No one who watched the expose can seriously doubt that bookmaking and prostitution have operated here on a wide open basis. Nor is there much doubt that they have done so because officials in the police force and city government look the other way -- for a price. . .Before vice can be stopped, the public must be made aware of the extent to which it exists. This the WHAS programs effectively did.[7]

In a February 12 editorial, the Louisville Courier-Journal, which in addition to WHAS and The Louisville Times is owned by the Barry Bingham family, echoed the sentiments expressed by the Jefferson Reporter. The documentary "left no doubt that illegal gambling and prostitution still flourish in this city," said The Courier-Journal:

> And while the programs might be faulted for failing to tie these activities directly to individual law enforcement officers or city officials, it's also obvious that illegal activities on such a scale could not exist without the knowledge -- indeed the connivance -- of men in high places in various administrations.[8]

Reactions from police and public officials to the documentary's charge that Louisville was an "open city" ranged from "vigorous denial to laconic skepticism, to no comment."[9] Mayor Frank W. Burke issued a statement at a

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[7]Ibid.

[8]"Louisville's Old Trail of Corruption," The Courier-Journal, February 12, 1971, reprint.

[9]Clifford, Frank, "WHAS Charges That Vice Thrives Because Local Officials 'Collect'," The Louisville Times, February 10, 1971, reprint.

noon press conference the day the first portion of the documentary was aired which began, "WHAS-TV has by its telecast Louisville: Open City? made a significant comment on our city." The Mayor went on to qualify his praise by quoting an unnamed federal official who said that as of the preceding January 25, not one walk-in handbook was operating in Louisville due to the crime control efforts of Burke's administration. His remarks at the news conference, the Mayor added, "might well be entitled 'Louisville: An Open City? It used To Be!"[10]

Later, Mayor Bruke emphatically denied WHAS had demonstrated that Louisville was an "open city":

> Certainly, there was absolutely no proof -- and they will admit that there was no proof, of any public official accepting graft. They admitted this to me on the air, and there was certainly no proof of any police officer accepting graft. If it had not been for the license which the media now have to libel, of course, everybody would have sued them.[11]

The WHAS documentary also caught fire from spokesmen for both political parties. Edwin G. Middleton, Republican national committeeman for Kentucky, issued a statement denying the GOP had ever accepted payoffs from anyone to induce public officials to refrain from enforcing laws and said the program

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[10]"Text of Mayor's Statement," The Louisville Times, February 10, 1971, reprint.

[11]Stated by Frank W. Burke in an interview with the author at the Mayor's office on March 16, 1972.

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was full of "unsupported statements, inferences and innuendos."[12] And at a special meeting of the Louisville-Jefferson County Democratic Committee, Thomas Carroll charged that "as a lawyer, I thought it (the WHAS program) was the most irresponsible, vicious thing I've ever seen. It was typical McCarthy, guilt-by-association and it didn't present one single bit of evidence."[13]

In summary, several observers expressed the opinion that the documentary was able to demonstrate its premise that "gambling and prostitution operate openly" in Louisville with the knowledge of police and public officials, while others maintained that such a demonstration is impossible without thorough documentation of specific payoff linkages, which the documentary did not present. In the author's opinion, the material in Louisville: Open City? was sufficient to demonstrate that gambling and, to a lesser extent, prostitution were widespread in the Louisville area at the time and to raise considerable doubt that such extensive activity could be carried on without the knowledge, if not the complicity, of local police and public officials.

Another objective of the WHAS documentary was "to educate the public about the far reaching effects that lax vice enforcement will have on other kinds of crime, on other

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[12]"GOP Official Reacts To WHAS Vice Charges," The Louisville Times, February 12, 1971, reprint.

[13]"Democrats Planning Check to Determine If White Contributed," The Louisville Times, February 12, 1971, p. A22.

kinds of corruption."[14] It was hoped by WHAS that these disclosures would cause the citizens of Louisville to become "concerned enough to be a little angry" and to "demand good government led by courageous officials." Short of a full-scale survey, there is little way to determine the reactions of Louisville citizens to the documentary other than through letters and telephone calls to WHAS and to the Louisville newspapers, but these sources give at least some indication of public reaction to Louisville: Open City?.

During the period from February 13, 1971, three days after the documentary's telecast, until July 8, 1971, The Courier-Journal and The Louisville Times published 73 letters which pertained to the Louisville: Open City? controversy. Thirty-nine of these letters praised the documentary, many calling for action on the problems discussed therein. The majority of these 39 letters reflected an opinion similar to that of Mrs. Charles H. Kraft, who wrote that "this frank and open reporting is admirable and should give the citizens of Louisville much to think about in regard to our Police Department.[15] Another typical comment was that of Janet Langford, who observed that "WHAS-TV's Louisville: Open City? was a brilliant and much-needed telecast. It is high time we

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[14]Stated by Clarence Jones in an interview with the author at WHAS on October 14, 1971.

[15]"Letters to The Times: Hails 'Open City' Telecast," The Louisville Times, February 13, 1971, reprint.

the people of Louisville become aware of what goes on behind the scenes."[16] Other letters printed in the newspaper columns were highly critical of the public officials involved, such as that of Mrs. William Haliday, who called for the resignation of Mayor Burke and "all who share your (the Mayor's) lack of responsibility."[17]

Ten of the 73 letters published by the two newspapers criticized the documentary and subsequent WHAS presentations for such practices as using concealed listening devices to record information or for not giving substantial proof of the allegations. Another 12 of the 73 letters criticized WHAS for focusing resources on gambling and prostitution rather than upon more "newsworthy" concerns, and for having a double standard with regard to on-track and off-track betting. Four additional letters called for the legalization of gambling but did not criticize the documentary for failing to advocate such legislation. The eight remaining letters criticized WHAS for downgrading the work of police and public officials. L.Y. Yarbrough, for example, wrote that it bothered him "to witness the maligning of many hard working policemen who. . . render a service we citizens of Louisville cannot live without."[18]

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[16]"Letters to The Times: 'A Real Eye-Opener'," The Louisville Times, February 13, 1971, reprint.

[17]"Readers' Views on 'Open City':...Feels Disillusioned," The Courier-Journal, February 16, 1971, reprint.

[18]"Readers' Views on Vice Situation:...The 'Good' Policemen," The Courier-Journal, March 2, 1971, reprint.

Obviously, the editors of the Louisville newspapers had to choose which letters pertaining to the documentary would be printed, so it is possible that those which did appear are not truly representative of all letters received. An exact breakdown of public response as gauged through correspondence with WHAS is possible, however, since all letters received by the station were reviewed.

According to The Louisville Times, WHAS had received approximately 250 calls by the afternoon following the broadcast of the second portion of the documentary. Comments ran about four to one in favor of the program, news director Morse was quoted as saying, with some 50 callers providing tips on alleged gambling and prostitution activity in the city.[19]

In addition to these telephone calls, WHAS received 386 letters dealing with Louisville: Open City?, 307 of which were written by individual citizens, 62 by religious or civic groups, and 17 by police officers. Of the 307 citizen letters, 278 praised the documentary, 23 were critical, and the remaining six provided tips but neither praised nor criticized the program. Of those 23 who were critical, six letters questioned either the motives behind the documentary or the techniques used to gather the information; four said the program was not complete or did not prove anything; six stated that resources should have been applied to more crucial

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19"Viewers Respond To Vice-Tips Plea," The Louisville Times, February 11, 1971, reprint.

issues; four chastised the station for tearing down the police and the city; and four could only be described as "hate letters." All 62 letters from religious or civic groups praised the documentary, as did all 17 letters written by police officers.

Judging from the correspondence received by WHAS and the newspapers, a portion of the Louisville viewing audience was disturbed by the material presented in the documentary, and many were "concerned enough to be a little angry" and to "demand good government led by courageous officials." The writers of these letters are, of course, a self-selected sample, and generalizations to the entire Louisville community are not legitimate. Nonetheless, these data at least suggest that the documentary was successful in alerting the public to "the far-reaching effects that lax vice enforcement will have on other kinds of crime, on other kinds of corruption."

A final objective of the documentary, according to Morse, was "to change the system of politics, the system of law enforcement, the judicial system -- to change it from a corrupt one as it existed in Louisville and Jefferson County to one that is less corrupt." Louisville: Open City? did at least influence, if not change, the three systems mentioned by Morse during the months immediately following the documentary's broadcast.

Before the first segment of Louisville: Open City? had been fully aired, WHAS received a telephone call which proved to be an accurate indicator of the interest the expose would create on local, state, and federal political levels. The call, placed on behalf of Kentucky Attorney General John Breckinridge, requested that "all documentation and information" from the program be turned over to his office.[20] The next day, Breckinridge said he intended to review the program's script to see if any of its contents fell within his office's sphere of interest and responsibility.[21] Morse agreed to supply the attorney general's office with a script of the program and added that the documentary could be viewed as many times as necessary in WHAS facilities.

Even though at his February 9 press conference Mayor Frank Burke had quoted a federal source as saying that on January 25 there were no walk-in handbooks in the city, the Mayor still called upon Louisville citizens to aid in eliminating any illegal vice activity:

> There may be a walk-in handbook operating in Louisville today, and if there is and you know about it please report it. We need the help of every concerned citizen. . .If there are a few bad apples in that barrel (the police department), the 99.44 percent of good men want your help in culling them out.[22]

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[20]Northern, Rick, "TV Show Counts 350 Area Handbooks," The Courier-Journal, February 9, 1971, reprint.

[21]Northern, Rick, and MacDonald, Stan, "Mayor Asks Citizen Group to Investigate Vice Allegation," The Courier-Journal, February 11, 1971, reprint.

[22]"Text of Mayor's Statement," op. cit.

At a meeting later that afternoon, Burke requested that the Mayor's Citizens Advisory Committee make a study of crime in Louisville, paying particular attention to the WHAS charges of vice and graft. "There looms a shadow to convince people that. . .police officers and certain unnamed city officials" are involved in illegal activities, the Mayor told the committee. "I urge you to seek out the trouble and point out wrongdoing wherever it may be found. . .No one is immune from this."[23]

Undertaken, according to Burke, to "provide an objective view for the public,"[24] the investigation was assigned to a 10-member task force headed by James J. Mahanes, a sociology instructor at Jefferson Community College. In addition to viewing the documentary's tapes and script, Mahanes said that one of the committee's first actions would be to ask for meetings with persons who appeared on the WHAS program, although no power to subpoena was granted. "From there we'll investigate the authenticity of the charges made in the documentary," Mahanes added.[25]

The Citizens Advisory Committee's preliminary report, sent to Mayor Burke on March 17, did not deal with the extent of vice activities in Louisville per se, but centered instead

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[23]Northern and MacDonald, op. cit.

[24]Clifford, Frank, "Gambling Law Is Ordered Enforced Here," The Louisville Times, February 11, 1971, reprint.

[25]Northern and MacDonald, op. cit.

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upon the Police Department and the effect of the vice situation upon law enforcement. According to The Courier-Journal, the report concluded that:

> There is lax enforcement of vice laws in Louisville, and pressure from within and without the Police Department, low morale among officers and "apathy, indifference and cynicism" are largely to blame.[26]

In its final report released April 14, the Committee published the results of a questionnaire administered to 151 of the approximately 600 members of the Louisville police force. According to a summary of the data by The Courier-Journal:

> Most of the officers said they believed that a "system" exists that allows and encourages corruption of policemen; that there is political interference in police operations; that vice operators contribute to political parties in exchange for protection, and that morale in the Police Department is low.[27]

Another investigatory body, the Louisville-Jefferson County Crime Commission, met on February 22 to consider the allegations made in Louisville: Open City? and to discuss events that had occurred since the documentary was aired. In a report released February 25, the Crime Commission concluded that city and county police "should mount a special

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[26]Crowdus, Vincent, "Report on Police Cites Apathy, Poor Vice-Law Enforcement," The Courier-Journal, March 18, 1971, reprint.

[27]Crowdus, Vincent, "Would Not Join Again, City Police Say in Survey," The Courier-Journal, April 15, 1971, reprint.

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effort sufficient in force to immediately close down every handbook and other illegal vice operation and keep them closed on a permanent basis." The Commission unanimously agreed that:

> The allegations of the WHAS documentary as they relate to the Louisville Police Department have been supported substantially, at least to the extent where the committee feels that a condition may exist which could effectively undermine the enforcement of the laws against hard-core crime.[28]

The report further recommended that the staff of the Commission be authorized to study the legalization of handbooks in other states, although legalization was not thought to be the solution for Louisville's problem. A resolution introduced March 3 in the Kentucky House by two Jefferson County representatives also called for a subcommittee to "study the full potential and possibility of legal off-track betting" in the state. Both legislators indicated that the proposal was "an outgrowth of a recent television expose and grand jury investigation into illegal bookmaking in Jefferson County."[29]

Louisville: Open City? was also having an effect on law enforcement in that city within two days after the documentary was broadcast. On February 11, the head of the Louisville Police Department's Criminal Investigation Unit,

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[28]Finley, John, "Crime Commission Demands Immediate Crackdown on Vice," The Courier-Journal, February 26, 1971, reprint.

[29]Wilson, Richard, "Study Is Urged on Off-track Betting," The Courier-Journal, March 4, 1971, reprint.

Major Ernest Curry, instructed his men to use a state law, which had previously been rarely enforced, to combat illegal gambling. According to The Louisville Times, Curry further announced that, as a result of "prominent publicity" surrounding the subject of gambling, he had ordered another "significant procedural change" in which intelligence officers would now make on-the-spot gambling arrests.[30] The following day, Curry said he was misquoted by the newspaper and that he did not order the law enforcement changes as the result of any publicity, including the WHAS documentary.[31]

In a related development later in the month, Police Court Judge Neville Tucker announced on February 21 that he would start imposing jail sentences for bookies, a practice which had been almost unheard of in Louisville Police Court for 25 years. Tucker said judges in the past had been reluctant to sentence convicted bookies to jail for fear that on appeal to Circuit Court, juries would refuse to uphold the penalty. "The feeling in the community has always been that making an illegal bet isn't serious enough to deserve a jail sentence," Tucker explained, "but public attitudes may have been changed by the recent WHAS documentaries, and juries may be ready to uphold the sentences." His normal method of

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[30]Clifford, op. cit.

[31]"Democrats To See If White 'Gave'," The Louisville Times, February 12, 1971, reprint.

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dealing with those accused of making illegal bets had been to amend the charges against them to disorderly conduct and fine them $100 to $150, rather than imposing a jail term.[32] The WHAS documentary had said that these fines amounted to little more than an operating fee for bookmakers.

Cleve White, the after-hours club operator who charged in the documentary that he paid off both police and political parties in return for protection for his illegal enterprises, was tried on appeal February 16 for selling liquor on unlicensed premises and for disorderly conduct. Morse, Jones and Walker, the WHAS investigative team, were all summoned to testify at the trial. Attorney David Daplan, representing White and nine other defendents, asked for both a continuence of the trail and a change of venue because of the publicity, but his motions were denied.[33] White was convicted on two counts of illegal sale of alcoholic beverages and received a three-month jail sentence on each count.[34]

The other gamblers shown on Louisville: Open City? who were indicted also received heavier penalties than had

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[32]Northern, Rick, "Tucker Says He Will Try Jail Terms for Bookies," The Courier-Journal, February 22, 1971, p. B1.

[33]Clifford, Frank, "WHAS Reporter's Testimony Ruled Out in White Trial," The Louisville Times, February 17, 1971, reprint.

[34]MacDonald, Stan, "White Convicted of Illegal Liquor Sales," The Courier-Journal, February 18, 1971, reprint.

traditionally been imposed for similar offenses. Leroy Hollis, for example, who pleaded guilty to 11 counts of illegal bookmaking activity, was fined $5,000, received a suspended one-year jail term, and was put on probation for five years.[35]

Responding to these developments in Louisville law enforcement, E.F. Shadburne, WHAS executive vice-president, broadcast an editorial on April 26 in which he enumerated several results of the documentary:

1. Bookmaking is Louisville has been shut down tighter and longer than any time in recent history.
2. Before February 8, gambling cases were routinely referred to police court where they were casually dismissed, reduced, filed away or given a light fine. Recently, cases have been bound over to the grand jury.
3. Two consecutive grand juries have made indictments for gambling violations, something almost unheard of previously.
4. Many convictions of persons, identified with bookmaking, carrying heavier fines than ever before, are a direct result of the investigation.
5. Prostitutes no longer hustle customers on downtown streets in broad daylight.

Available evidence seems to indicate Shadburne was correct in his assessment that gambling in Louisville had declined significantly. One Jefferson County Police Lieutenant, for example, told a reporter that immediately following the

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[35] "Three Indicted as Gamblers Get Fines, Suspended Terms," The Courier-Journal, March 30, 1971, reprint.

WHAS broadcast "it was virtually impossible for the average man on the street to place a casual bet with a bookie."[36]

In an article published May 5, Courier-Journal reporter Paul Bransburg said his investigation into the vice situation had concluded that "the general volumne of illegal gambling in Louisville is down significantly," that walk-in handbooks "are almost nonexistent," and that taking bets by telephone "is now the principal form of bookmaking."[37] Bransburg quoted bookies who said the decline in walk-in books was due to the increased number of gambling arrests and the stiff fines and other penalties which were being imposed by the courts. A little more than a month after the Bransburg article, Courier-Journal reporter Bill Peterson concluded Louisville: Open City? had 'put the heat on." He described an ex-bookie who longed for the good old days "B.C.. . . before Clarence -- before Clarence Jones. A lot of us will never forget that Clarence Jones character (the WHAS reporter) as long as we live."[38]

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[36]Clifford, Frank, "Louisville's Bookies Go Underground," The Louisville Times, March 24, 1971, reprint.

[37]Bransburg, Paul M., "How Fare the Louisville Bookies? Some quit; Others Use the Phone," The Courier-Journal and Times, May 9, 1971, reprint.

[38]Peterson, Bill, "Out of the Money. . .Louisville Bookies Longing for the Good Old Days," The Courier-Journal, June 6, 1971, reprint.

Others, however, dispute Shadburne's claim that changes in the complexion of vice activity in Louisville resulted from the WHAS investigative efforts. On May 4, Morse and Jones conducted a half-hour "Conversation with Mayor Frank W. Burke" over WHAS in which the Mayor said Shadburne's editorial reminded him "of nothing so much as the libretto of Rimsky-Korsakov's 'Le Coq d'Or', which is the story of a large yellow chicken. . .who did nothing but crow and take credit for the work of other people." Earlier in the broadcast, Burke had listed a number of accomplishments under his administration which "had begun fundamental improvements in law enforcement policies and techniques," improvements which, he added, WHAS had failed to note.

In a later interview, Mayor Burke said he felt one of the fundamental flaws with Louisville: Open City? was that his administration had made tremendous efforts between December of 1969 and February of 1971 for which WHAS gave no credit:

> We were glad to have them join the troop, but we didn't think they should say they invented the boat. They were jumping on board of an extremely good law enforcement effort which we had begun and claiming credit for it.[39]

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[39]Stated by Frank W. Burke in an interview with the author at the Mayor's office on March 16, 1972.

Regardless of the dispute over what motivated the crackdown on vice activity in Louisville, the fact remains that many of the changes occurred in the months immediately after Louisville: Open City? and many of the principals involved recognized the influence of the WHAS documentary on their actions. At the very least, the documentary created a climate which encouraged the earnest enforcement of laws against gambling and prostitution and motivated the scrutiny of police and public officials by various committees and groups.

As a direct effect of the WHAS documentary, the Jefferson County Grand Jury for the month of February began investigations into vice operations and alleged payoffs to police in Louisville. On February 18, Mayor Burke at a City Hall news conference called for voluntary appearances before the grand jury from police officers and other city employees, as well as from citizens outside the city government.[40] The next day, Commonwealth's Attorney Edwin A. Schroering Jr. announced that he would grant immunity to anyone who volunteered to testify before the February grand jury. He also commented on the documentary for the first time, saying he questioned the appropriateness

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[40]Crowdus, Vincent, "Burke Urges Citizens with Knowledge of Vice to Testify Before Grand Jury," The Courier-Journal, February 19, 1971, p. 1-B.

of the timing of the broadcast since it was aired one week before Cleve White's trial. On the positive side, Schroering noted that as a result of the documentary:

> There is an awareness now in the community of the results of apathy. I do think the expose was very graphic and it definitely had an effect on me and upon the community.[41]

Four days later, February 23, State Attorney General John Breckinridge replaced Schroering as supervisor of the grand jury investigation at the request of the jury, since the Commonwealth's Attorney was part of the administration being investigated.[42] The next afternoon, Breckinridge and members of the grand jury spent more than four hours interviewing Shadburne, Morse, Jones and Walker inside the WHAS building.[43] Other grand jury sessions were also held in a conference room at WHAS, one of the factors causing Schroering to call the February grand jury "a captive of WHAS."[44]

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[41]Pianin, Eric, "Immunity Offered For Vice Testimony Before Grand Jury," The Louisville Times, February 19, 1971, reprint.

[42]Rawlings, George, and Emke, Bert, "Attorney General Takes Over Vice Probe," The Louisville Times," February 23, 1971, p. 1.

[43]"Breckinridge, Grand Jury Quiz WHAS Employees," The Louisville Times, February 25, 1971, reprint.

[44]Stated by Edwin A. Schroering Jr. in an interview with the author at his law office on March 14, 1972.

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The grand jury released the results of its investigation on the last day of the month just before its term expired at midnight. "The final portion of the Grand Jury term was directed unexpectedly into the complex, deeply engrained problem in this County of enforcement of laws against gambling, prostitution and other related crimes," the report said. "The reported existence of crimes of this nature in our community was brought to our attention by the presentation of a TV 'documentary' telecast by WHAS-TV during February 1971."

The grand jury handed down indictments against eight persons on charges of violating Kentucky gambling laws. (Jones and Walker were listed as witnesses on seven of the eight indictments.) In addition, the jurors concluded that:

> The punishment of gambling violations by the courts should be "adequate and certain." It was noted that while violations of horse race betting are within the exclusive jurisdiction of circuit court such offenses are in practice disposed of in Louisville Police Court through "nominal fines on some lesser offense."
>
> Information received by the jury indicated that members of the "gambling community" have contributed substantially to the two major political parties. . .
>
> The enforcement of gambling and prostitution laws should not be restricted to "special squads," but should be the full responsbility of all policemen.[45]

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[45] MacDonald, Stan, "Grand Jury Urges More Secure Room," The Courier-Journal, March 1, 1971.

The February grand jury also recommended that the March grand jury continue the investigations into vice and corruption. This suggestion created a wave of controversy over such matters as whether the term of the February grand jury should be extended, whether a special jury should be empaneled, or whether the investigations should be discontinued. Other problems arose over who would supervise the investigations and who would be advisors.

The March Jefferson County grand jury did continue the investigation, and its report released April 2 was sharply critical of WHAS, although the station was not mentioned by name but through such references as "investigative reporting of a local television station."[46] According to the jurors:

> Some of the news media appear to have been lax in checking out the facts and credibility of their source before running news specials wherein misleading information was exposed to the public viewing audience. We caution that the reputation of innocent people may be damaged by such actions and might tend to implicate innocent parties. . .
>
> One question. . .that disturbs this Grand Jury . . .has to do with the apparent intention of these "investigative reporters" to continue making "exposes" of a similar nature. . .
>
> This Grand Jury is much concerned that if this practice of "shotgun accusation" continues and the

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[46]MacDonald, Stan, "Jefferson Grand Jurors Conclude that Gamblers Aided Judge's Campaign," The Courier-Journal, April 3, 1971, p. 1.

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> innocent as well as the targets of their reporting continue to be injured, that a public reaction may develop which would support legislation to control such practices in the future. This Grand Jury sincerely believes that the greatest danger to a free press are those within the media who misuse and abuse the freedom so that society has no alternative but to place restrictions in their own self-defense.[47]

Morse responded to the report of the March Grand Jury by saying WHAS had "every intention of continuing its efforts in the field of investigative reporting not only in the area of vice and corruption but in other areas of community concerns as well." The station "stands by" its previous reports, Morse said, which he characterized as based on "professional reporting of the highest caliber."[48]

Grand juries from Jefferson County and other local committees were not the only investigatory bodies to turn their attention to the Louisville vice situation. On February 11, two days after the documentary's telecast, Commonwealth's Attorney Schroering sent a letter to the U.S. Justice Department requesting the assistance of a federal strike force in investigating the problem. He referred to Louisville: Open City?, saying that the program precipitated a "local inquiry" into vice and that it was

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[47] Kirschten, Dick, "Jury Hits Lax Reporting, Warns Media of Duties," The Louisville Times, April 3, 1971, reprint.

[48] Ibid.

his responsibility to make an inquiry and investigation.[49] After much speculation in the press about the possibility of federal involvement, the Justice Department confirmed on March 9 that it would begin an investigation of gambling and possible official corruption in Louisville by early April.[50] A special federal strike force of lawyers and federal agents had already laid the groundwork for a full investigation, and the decision to empanel a federal grand jury for at least eighteen months had already been made. Federal grand juries can grant a broad range of immunities to potential witnesses that local grand juries cannot, and they can call on the whole range of federal investigative resources. The special grand jury was sworn in on April 2,[51] and by the end of its first term indictments had been secured against three high-ranking Louisville police officers.[52] The federal grand jury is currently in its second 18 month term.

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[49]MacDonald, Stan, and Northern, Rick, "U.S. 'Strike Force' May Begin Probe of Louisville Vice," The Courier-Journal, February 25, 1971, reprint.

[50]Tunnell, James S., "Federal Gambling Probe Is Planned for Louisville," The Courier-Journal and Times, March 10, 1971, reprint.

[51]Amon, Harry, "Federal Jury Begins Probe Into Vice Here," The Louisville Times, April 2, 1971.

[52]Stated by James Walker in an interview with the author at WHAS on August 25, 1972.

Such were the purposes and effects of the WHAS documentary Louisville: Open City?. The documentary demonstrated to a significant portion of the Louisville community that there was indeed a problem with vice enforcement in that city. Local, state and federal investigatory bodies turned their attention to the program's allegations, and procedural and administrative changes were enacted to deal with some of the problems enumerated in the documentary. More generally, public officials and private citizens were forced to reevaluate their positions on gambling and vice in their community.

Judging from this case study, a locally-produced documentary can contribute substantially to the understanding of some community problem and even help eliminate that problem. Several factors appear to enhance the probability that the documentary will be influencial. First, a strong case must be made within the documentary itself that there is a significant community problem, and solutions for that problem should be advanced. Second, the initial documentary should be supported by subsequent news reports on related issues. Influence will be even larger if other media outlets in the city join the cause. Third, public officials must be convinced or at least pressured into taking appropriate action

on the issues involved. Finally, the station must be committed enough to its public service responsibility to withstand the pressures and criticisms which almost invariably follow the broadcast of a documentary which attacks existing political and social structures.